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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,699	03/04/2002	Robert P. Mandal	AMAT/3771.P1/DD/LOW K/JW	7928
32588	7590	04/21/2004	EXAMINER	
APPLIED MATERIALS, INC. 2881 SCOTT BLVD. M/S 2061 SANTA CLARA, CA 95050			RAO, SHRINIVASH	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

946

<b>Advisory Action</b>	<b>Application No.</b> 10/091,699	<b>Applicant(s)</b> MANDAL, ROBERT P.	
	<b>Examiner</b> Steven H. Rao	<b>Art Unit</b> 2814	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

Continuation of 5. does NOT place the application in condition for allowance because: It is noted that the information stated in PALM report is also available to the Applicants' through the PAIRs system under the sub-heading " File History" therefore the Examiner can rely on Official records including the PALM report. If necessary the Applicants can access information in Palm through PAIRS. Applicants' first argument that, " the description of low dielectric constant media does not make the coatings of Scholsky inherently dielectric constant films" shows Applicants' arguments are not based on the level of knowledge of one of ordinary skill in the art, one of ordinary skill in the art would not argue the recitation in the preamble to the claim (depositing a low dielectric film) as the basis for patentably distinguishing the claims over the applied priori art. Further the rejection is based on the combined teachings of Grill (primary reference) and Scholsky secondary reference and Applicants' are arguing what secondary reference shows/ does not show which argument is redundant because the primary reference shows the low dielectric constant film as stated herein below. Further assuming the dielectric film is recited in the body of the claim, the Applied Grill reference at least in col. 5 lines 54-56 states, " The present invention discloses a novel multiphase material that has a low dielectric constant, and a method for fabricating films of the material" and this would be sufficient description for one of ordinary skill in the art to understated that Grill teaches low dielectric films. It is further noted that " coating" is not recited in claim 1 and therefore Applicants' arguments are not consumarate in scope with their presently recited claims. Applicants' second contention that Grill and Scholsky teach different film forming process is at odds with the understanding of one of ordinary skill in the art because Grill in col. 5 line 67 describes PECVD and in col. 6 describes a process very similar to the process of Scholsky, therefore one of ordinary skill in the art would be motivated to combine the teachings of Grill and Scholsky. Applicants' contention that there is no motivation to combine Grill and Scholsky is not persuasive because the motivation to combine has been stated at least 5 times and one of ordinary skill in the art would have understood it by now. Applicants' are reminded that the standard applicable here are that the teachings should be clear to one of ordinary skill in the art and not to every applicant. Therefore claim1 and claims 16, 21 26-28 and 35-36 are not allowable. Applicants' contention that Grill and Scholsky does not teach compounds comprising both silicon and a furfural, furfurfuryoxy or neopentyl group is not consumarate with presently recited claim 5 which does not require compounds comprising both , but rather recites the two compounds being separately introduced as two different reactants. Therefore claims 5,6-829-32 and 37-38 are not allowable With respect to claim 22 again Applicants' arguments are consumarate in scope with presently recited claim 22, which recites reacting siloxane with at least one oxidizable chemical with an oxidizing gas at a temperature that retains the cyclic ring in a conformal layer, whereas Applicants' are arguing Grill and Scholsky does not provide motivation/ suggestion to react a silxoane with an oxidizable chemical comprising a cyclic ring consisting of carbon and oxygen ( see rejection of claims22 ( Grill col. 3 lines 13-26) . Therefore claims 22 and 23-25v and 33-34 are not allowable. Applicants' contention that Grill does not teach carbon dioxide as an oxidizing gas is a failure on Applicants' part to understand the teachings of previously of Grill col. 6 lines 1-8 of Grill ( as also previously stated) describes Si,OC and H gases or any mixture of these including carbon dioxide.. Therefore claims 35 and 37 are not allowable .

SK  
4/16/04

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PRIMARY EXAMINE